

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Brian H. Simms,

Plaintiff,

v.

Case No. 1:16cv247

Butler County Sheriff's
Office Corrections Division,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on January 29, 2016 (Doc. 5).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 5) of the Magistrate Judge is hereby **ADOPTED**. The Plaintiff's Complaint (Doc. 1) is **DISMISSED** with prejudice pursuant consistent with the recommendation by the Magistrate Judge because Plaintiff has failed to state a claim for which any relief may be granted.

Pursuant to 28 U.S.C. § 1915(a)(3), any request for certificate of appealability or request to appeal *in forma pauperis* would not be taken in good faith and would be denied.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett
United States District Judge